

HOUSE BILL No. 4786

May 29, 2013, Introduced by Rep. Lori and referred to the Committee on Appropriations.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2891 (MCL 333.2891), as amended by 2004 PA
467, and by adding section 2892.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2891. (1) The state registrar or a local registrar
2 shall, upon receipt of a written request and payment of the
3 prescribed fee, conduct a search for a vital record for an
4 individual who purports to be eligible under section 2882 or for
5 an agency under section 2883(2) to receive a certified copy,
6 administrative use copy, or a statistical use copy of the
7 requested vital record.

8 (2) If a search for a vital record is conducted by the state
9 registrar and the vital record cannot be located, the state

1 registrar shall issue an official statement ~~to the effect that~~
2 the vital record could not be located ~~in place~~ **INSTEAD** of a
3 certified copy or an administrative use copy of a ~~THE~~ vital
4 record. If a search for a vital record is conducted by a local
5 registrar and the vital record cannot be located, the local
6 registrar is not required to issue an official statement as
7 described in this subsection, and the local registrar may waive
8 the prescribed fee.

9 (3) The state registrar or a local registrar may require an
10 applicant who requests a certified copy, an administrative use
11 copy, or a statistical use copy of a vital record to provide
12 verification of his or her identity before releasing the vital
13 record if eligibility for the vital record is restricted pursuant
14 ~~to~~ **UNDER** section 2882.

15 (4) Subject to subsection (8), the fees for a search **FOR A**
16 **VITAL RECORD** are as follows:

- 17 (a) A search including 1 certified copy,
18 1 administrative use copy, or 1 statistical use
19 copy of a vital record or an official statement
20 issued by the state registrar that a vital record
21 could not be located..... ~~\$26.00~~ **\$ 34.00**
- 22 (b) Additional identical copies ordered at
23 the same time..... ~~\$12.00~~ **\$ 16.00**
24 per copy
- 25 (c) Additional years searched..... \$ 12.00
26 per year
- 27 (d) An authenticated copy..... ~~\$29.00~~ **\$ 42.00**

1 (e) Additional authenticated copies ordered
 2 at the same time..... ~~\$15.00~~ \$ 26.00
 3 per copy

4 (f) Verification of facts delineated in
 5 section 2881(2)..... ~~\$10.00~~ \$ 18.00

6 (g) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN
 7 SUBDIVISION (H), A request for an expedited
 8 search for a vital record UNDER THIS
 9 SUBSECTION..... ~~\$10.00~~ \$ 12.00

10 (H) A REQUEST FOR AN EXPEDITED SEARCH
 11 FOR AN AUTHENTICATED COPY OF A VITAL
 12 RECORD UNDER SUBDIVISION (D)..... \$ 25.00

13 (5) The fees for establishment ~~and~~ OR registration OF A
 14 VITAL RECORD are as follows:

15 (a) Application for establishment of a delayed
 16 certificate of birth or death that includes 1 certified
 17 copy or an official denial of the application..... ~~\$40.00~~ \$ 50.00

18 (b) Registration of a delayed certificate of birth
 19 for a foreign born adopted child that includes 1
 20 certified copy..... ~~\$40.00~~ \$ 50.00

21 (6) Upon formal application of a soldier; sailor; marine;
 22 member of the coast guard; nurse; member of a women's auxiliary;
 23 or a ~~OTHER~~ person who is entitled to a bonus, ~~or~~ a pension, or
 24 other compensation under a law of this state, the United States,
 25 or ~~other~~ ANOTHER state or territory of the United States or a
 26 service auxiliary FOR A VITAL RECORD FOR THE PURPOSE OF OBTAINING

1 **THE BONUS, PENSION, OR COMPENSATION, THE STATE REGISTRAR SHALL**
 2 **FURNISH** 1 certified copy of a ~~THE~~ vital record requested ~~from the~~
 3 ~~state registrar shall be furnished without charge. for the~~
 4 ~~purpose of securing the bonus, pension, or compensation. If the~~
 5 person entitled to the vital record is deceased or mentally
 6 incompetent, the ~~copy~~ **STATE REGISTRAR** may be ~~furnished~~ **FURNISH**
 7 **THE COPY** to an heir, guardian, or legal representative of the
 8 person. The state registrar shall label a certified copy
 9 furnished under this subsection with the following statement:
 10 "for veteran's benefits only, not for personal use".

11 (7) Upon formal application, **THE STATE REGISTRAR OR A LOCAL**
 12 **REGISTRAR SHALL FURNISH** a certified copy of a vital record ~~shall~~
 13 ~~be furnished by the state registrar or a local registrar without~~
 14 charge to a licensed child placing agency representing a child
 15 for adoption purposes. The state registrar **OR LOCAL REGISTRAR**
 16 shall label a certified copy provided under this subsection with
 17 the following statement: "for adoption purposes only, not for
 18 personal use".

19 (8) Upon formal application, **THE STATE REGISTRAR OR A LOCAL**
 20 **REGISTRAR SHALL CHARGE** a person 65 years of age or older ~~shall be~~
 21 ~~charged~~ a fee of ~~\$7.00~~ **\$14.00** for a search **FOR** and 1 certified
 22 copy of his or her birth record.

23 (9) The **STATE REGISTRAR SHALL CHARGE THE** following fees
 24 ~~shall be charged~~ for the creation of new vital records and
 25 corrections of vital records:

26 (a) Application to create a new certificate of

1 birth following an adoption; legal change of name for
2 minors; acknowledgment of paternity; sex change;
3 legitimation; order of filiation; or a request to
4 replace a court filed certificate of adoption..... ~~\$40.00~~ \$ 50.00

5 (b) ~~Application~~ **SUBJECT TO SUBSECTION (10),**
6 **APPLICATION** received within 1 year of the date of
7 the event to create a new certificate of birth or
8 death to correct obvious minor errors and
9 omissions..... ~~\$40.00~~ \$ 50.00

10 **(C) AN APPLICATION WITH A REQUEST FOR AN**
11 **EXPEDITED CREATION OF A NEW CERTIFICATE UNDER**
12 **THIS SUBSECTION..... \$ 25.00**

13 (10) The errors and omissions that may be corrected under
14 ~~this subdivision~~ **SUBSECTION (9) (B)** are limited to the following:

15 (A) ~~(i)~~ The addition of a given first or middle name if a
16 name was not recorded at the time of filing.

17 (B) ~~(ii)~~ A change to a social security number.

18 (C) ~~(iii)~~ The addition of information originally specified as
19 unknown or that was omitted by error.

20 (D) ~~(iv)~~ A minor spelling change.

21 (11) ~~(10) A~~ **THE STATE REGISTRAR SHALL CHARGE A** fee of ~~\$40.00~~
22 ~~shall be charged~~ **\$50.00** for an application to amend birth and
23 death records more than 1 year after the date of the event for
24 the purpose of adding information or correcting an error in
25 information recorded on the document. **THE STATE REGISTRAR SHALL**
26 **CHARGE A FEE OF \$25.00 FOR AN APPLICATION WITH A REQUEST FOR AN**
27 **EXPEDITED AMENDMENT TO A BIRTH OR DEATH RECORD UNDER THIS**
28 **SUBSECTION.**

1 (12) ~~(11) A THE STATE REGISTRAR SHALL NOT CHARGE A fee shall~~
2 ~~not be assessed for 1 or more ANY~~ of the following:

3 (a) Changing a vital record to correct an error made within
4 the office of a local registrar or the state registrar.

5 (b) Correcting an error if the correction is initiated by
6 the state registrar.

7 (c) Correcting a vital record if the correction is requested
8 by a county medical examiner for a case within his or her
9 jurisdiction.

10 (d) Correcting a record if the correction is ordered by a
11 court of competent jurisdiction following denial by the
12 department of an application to make the correction.

13 (e) Correcting a vital record if the correction is requested
14 by a public agency that is the guardian of the individual to whom
15 the vital record pertains.

16 (13) ~~(12) A THE STATE REGISTRAR SHALL CHARGE A fee of \$40.00~~
17 ~~shall be charged \$50.00~~ for an application to amend a birth
18 record regarding a documented legal change of name for an adult.
19 **THE STATE REGISTRAR SHALL CHARGE A FEE OF \$25.00 FOR AN**
20 **APPLICATION WITH A REQUEST FOR AN EXPEDITED AMENDMENT TO A BIRTH**
21 **RECORD UNDER THIS SUBSECTION.**

22 (14) ~~(13)~~ The state registrar or a local registrar with
23 approval of the state registrar may charge a reasonable fee to
24 cover the costs of special services performed pursuant to section
25 2883, 2884, or 2888.

26 (15) ~~(14) Fees~~ **A LOCAL REGISTRAR SHALL DEPOSIT FEES**
27 collected under this section ~~by a local registrar shall be~~

1 ~~deposited~~ as the governing body of the city or county directs.
2 ~~Fees~~ **THE STATE REGISTRAR SHALL TRANSMIT FEES** collected under this
3 section ~~by the state registrar shall be deposited in~~ **TO** the state
4 ~~treasury and credited to the general fund of this state.~~ **TREASURER**
5 **FOR DEPOSIT INTO THE VITAL RECORDS FUND CREATED IN SECTION 2892.**

6 (16) **THE STATE REGISTRAR SHALL CHARGE A FEE OF \$12.00 FOR AN**
7 **APPLICATION FOR A COPY OR A CERTIFIED COPY OF A VITAL RECORDS-**
8 **RELATED DOCUMENT, INCLUDING, BUT NOT LIMITED TO, A COMPLETED**
9 **APPLICATION SUBMITTED UNDER THIS SECTION OR A DOCUMENT SUBMITTED**
10 **UNDER THIS SECTION TO SUPPORT A REQUESTED CHANGE TO A VITAL**
11 **RECORD.**

12 (17) ~~(15)~~ The state registrar or a local registrar shall not
13 charge a fee other than a fee prescribed in this section.
14 However, a local governmental unit may adopt a system of fees for
15 local registrars under the jurisdiction of the local governmental
16 unit for a search that provides for fees less than those set
17 forth in this section, and a charter county with a population of
18 more than 2,000,000 may adopt a system of fees for a local
19 registrar under the jurisdiction of that charter county that
20 provides for fees more than those set forth in this section.
21 However, a charter county shall not impose a fee that is greater
22 than the cost of the service for which the fee is charged.

23 (18) ~~(16)~~ For searches under subsection (4), a local
24 registrar shall charge fees according to the following:

25 (a) The governing body of a local governmental unit that has
26 jurisdiction over a local registrar may adopt a system of fees
27 for the local registrar that provides for fees less than or equal

1 to the fees set forth in subsection (4). These fees shall be used
2 for the maintenance and sustenance of the vital records fees
3 program only. The fees shall alleviate any burden to the
4 taxpayers to provide this worthwhile program. A charter county
5 with a population of more than 2,000,000 may adopt a system of
6 fees for a local registrar under the jurisdiction of that charter
7 county that provides for fees that are more than the fees set
8 forth in subsection (4). A charter county shall not impose a fee
9 that is greater than the cost of the service for which the fee is
10 charged. A system of fees adopted under this subdivision shall be
11 used by all local registrars under the jurisdiction of the local
12 governmental unit ~~—~~and shall be reasonably related to the cost
13 incurred by the local registrar in making the search.

14 (b) If a system of fees is not adopted by a local
15 registrar's local governmental unit under subdivision (a), the
16 local registrar shall not charge a fee other than a fee
17 prescribed in subsection (4).

18 (19) BEGINNING JANUARY 1, 2015, THE DEPARTMENT SHALL
19 ANNUALLY ADJUST THE FEES PRESCRIBED IN THIS SECTION BY AN AMOUNT
20 DETERMINED BY THE STATE TREASURER TO REFLECT THE CUMULATIVE
21 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR THE IMMEDIATELY
22 PRECEDING FISCAL YEAR. AS USED IN THIS SUBSECTION, "CONSUMER
23 PRICE INDEX" MEANS THE MOST COMPREHENSIVE INDEX OF CONSUMER
24 PRICES AVAILABLE FOR THIS STATE FROM THE BUREAU OF LABOR
25 STATISTICS OF THE UNITED STATES DEPARTMENT OF LABOR.

26 SEC. 2892. (1) THE VITAL RECORDS FUND IS CREATED WITHIN THE
27 STATE TREASURY. THE STATE TREASURER MAY RECEIVE MONEY OR OTHER

1 ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE VITAL RECORDS FUND.
2 THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF MONEY OR OTHER
3 ASSETS IN THE VITAL RECORDS FUND. THE STATE TREASURER SHALL
4 CREDIT TO THE VITAL RECORDS FUND INTEREST AND EARNINGS FROM THE
5 INVESTMENT OF MONEY OR OTHER ASSETS IN THE VITAL RECORDS FUND.
6 MONEY IN THE VITAL RECORDS FUND AT THE CLOSE OF THE FISCAL YEAR
7 SHALL REMAIN IN THE VITAL RECORDS FUND AND SHALL NOT LAPSE TO THE
8 GENERAL FUND.

9 (2) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET IS
10 THE ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES. THE
11 DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL EXPEND
12 MONEY FROM THE FUND, UPON APPROPRIATION, ONLY FOR THE MAINTENANCE
13 AND SUSTAINABILITY OF THE SYSTEM OF VITAL STATISTICS IN THIS
14 STATE.